



845 Third Avenue
New York, NY 10022
(212) 759-4600

NEW YORK
PUERTO RICO
TEXAS
ILLINOIS

wolfpopper.com

DIRECT DIAL: 212 451-9606
EMAIL: llevy@wolfpopper.com

August 20, 2019

Via ECF

The Honorable Jack B. Weinstein
United States District Court
Eastern District of New York
225 Cadman Plaza
Brooklyn, NY 11201

Re: *Belfiore v. The Procter & Gamble Co.*, No. 2:14-cv-4090-JBW-RML

Dear Judge Weinstein:

Defendant's request to extend the time for it to respond to Plaintiff Belfiore's Motion to Extend the Certified Class Period and to Amend the Class Definition (ECF No. 307, the "Motion") is not a matter of mere courtesy. As Defendant's counsel is aware, the Motion gives this Court an opportunity to rule on the expansion of the class period prior to the submission of all briefing concerning the Second Circuit's Mandate (*see* Briefing Schedule, ECF No. 312). A decision here would necessarily affect the remand briefing, whereby granting this Motion would simplify aspects of that briefing by eliminating disputes related to the ultimate class period end date.

This Motion is hardly surprising given the representations made during the evidentiary hearing on August 6. Moreover, the "flushable" wipes product at issue in this litigation remains non-flushable and continues to be sold to New York consumers with the same false "flushable" representations. Because of the ongoing nature of the harm, the class period should be brought current.

Finally, there is no reason for the briefing on the Motion to be drawn out and placed into direct conflict with the remand briefing. While counsel for both parties are facing hardships this August, Defendant has retained *two* big law firms with over 1,000 attorneys. It is beyond comprehension that Defendant's counsel cannot respond to a simple *four page motion* in the time allotted under the Local Rules.

Plaintiff asks the Court to deny Defendant's request, which would prevent the Court from ruling on the Motion prior to the remand briefing.

Respectfully submitted,

/s/ Lester L. Levy

Lester L. Levy

cc: All Counsel of Record (via ECF)